

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 2, 14 and 16 have been cancelled, while claims 1, 17 and 18 have been amended to include the limitations of cancelled claim 2, and claim 15 has been amended to include the limitations of cancelled claim 16. In addition, claims 1 and 3-13 have been amended to be device claims. Furthermore, the claims have been amended for clarity.

Applicant believes that the above changes answer the Examiner's 35 U.S.C. 101 rejection of claims 1-13, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1-18 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,357,043 to Ellis et al.

The Ellis et al. patent discloses an electronic television program guide with remote product ordering, in which, in a sub-menu, the electronic television program guide includes a channel listing of available channels and a program listing of programs associated with a selected one of the available channels.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as

complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claims 1, 17 and 18 include the limitation "wherein said channel list is provided in response to accessing said electronic program guide, and both said channel list and said program list are provided in response to accessing said programs list" (which is also substantially included in independent claim 15).

The Examiner has indicated that this limitation is disclosed by Ellis et al., and states "column 18, lines 7-10; Ellis discloses a button in the EPG that the user can press to access the channel list".

Applicant submits that the Examiner is mistaken. In particular, while Ellis et al. discloses a button in the EPG for accessing the channel list, quite necessarily, in order to access the button, the EPG must already have been displayed. In particular, the user must first press the "MENU" button, select the program bar 61 in Fig. 6, and then select the channel and the I button (Fig. 18) in order to get to the screen shown in Fig. 20.

As described in the subject specification on page 1, lines 12-23, as the number of channels increases along with the available programs on these channels, a user is faced with an overwhelming situation - information overload. The subject invention seeks to simplify the use of the electronic program guide. As claimed in for example, claim 1, upon activation of the EPG, the amount of

information shown to the user is limited to a listing of the available channels (or alternatively, the listing of the available channels as well as the programs available in a predefined time window of a selected one of the available channels). As such, the user is not presented with an overwhelming amount of information, and is able to navigate through the channels with relative ease.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1, 3-13, 15, 17 and 18, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
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